Proceedings
of
THE TRAVANCORE REPRESENTATIVE BODY

(*OFFICIAL REPORT*).

THIRD MEETING.

VOL. I.—No. 9.

Monday the 7th June 1948|25th Idavom 1123.

The Representative Body met in the Legislative Chamber, Public Offices, at eleven of the clock on Monday, the 7th June 1948/ 25th Idavom 1123, the President (the Honourable Mr. A. J. John) in the Chair.

STATEMENT.

MR. A. NESAMONY (*Vilavancode—S. I. U. C. Reserved*): Sir, I beg to move that the sitting of this House be adjourned to meet on a day fixed by the President. It might appear strange that I should move the adjournment of the House when it is assembled to discuss the main features of the constitution to be drawn up. This motion for adjournment has been necessitated by the following circumstances. Under Rule 20 of the rules for the conduct of business in the Representative Body I addressed a letter to the Secretary of this Body on the 1st June 1948. That letter was sent giving notice under Rule 20 of the above said Rules, for moving the following resolution at the next session of the Representative Body, that is, on 25-10-1123. The following is the resolution :

> "Whereas the Travancore State Congress by its resolution passed at the open session of its conference held at Nagercoil in 1947 has accepted the principle of self determination for the Tamilians of Travancore to merge with the adjoining Provinces while the Tamil Nad, Andhra and Kerala Provinces are formed on linguistic basis,
>
> Whereas the Constituent Assembly of the Dominion of India is to appoint a commission for demarcating the above said linguistic provinces,
>
> And whereas an advisory committee of three has been set up to advise the commission to be appointed by the Constituent Assembly of the Dominion of India,
>
> This House therefore resolves that with a view to the merger of all predominantly Tamil areas of Travancore with the adjoining Tamil Nad to create the greater Tamil Nad, the existing administrative divisions of Travancore shall be so

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[A. Nesamony]

redistributed as to constitute the predominantly Tamil areas of Travancore into a separate province to facilitate such a merger,

That in the constitution to be adopted till the merger takes effect a form of Government where the voice of the people shall prevail in such areas in all matters shall be prescribed,

And that a committee shall be appointed for delimiting such areas and suggest the form of Government for such areas.

I got the following reply from the Secretary:

Copy of letter No. 61/48/R. B. dated 5th June 1948 from the Secretary, Representative Body to A. Nesamony Esq., Member, Representative Body.

Sub: Resolution re: merger of Tamil areas of Travancore with the adjoining Tamil areas.

Ref: Your letter dated 1st June 1948.

With reference to the above, I am to inform you that the resolution referred to above has been disallowed as the subject matter of the resolution does not come within the scope of business of the Representative Body.

I beg to submit that the action of the Secretary in disallowing the motion is arbitrary, illegal and *ultra vires*.

MR. PRESIDENT: There is nothing to criticise the action of the Secretary. It was the President who disallowed the resolution. The Secretary has acted according to the decision of the President.

MR. A. NESAMONY: The Secretary has no power to disallow the motion. There is no provision for anybody to disallow the motion.

MR. G. RAMACHANDRAN (*Neyyattinkara III—General*): Is there any power for the Secretary to disallow a motion on his own accord?

MR. A. NESAMONY: I am coming to that. Even the President has no power to disallow the motion. Rule 20 is this:

"Rule 20 (i) unless otherwise directed by the Chairman, notice of every motion, accompanied by a copy of the motion, shall be given at least three clear days before the day on which the motion, is to be moved in the Representative Body.

(2) Every notice required by these rules shall be given in writing addressed to the Secretary and signed by the member giving notice and shall be left at the Office of the Representative Body, which shall be open for the purpose between the hours of 11 A. M. and 5 P. M. except on Sundays and other public holidays.

(3) Notices left when the office is closed shall be treated as given on the next open day.

(4) Where three clear days notice of a motion has been given, the Secretary *shall* send a copy of the motion to the members at least two clear days before the day on which it is to be moved; and in other cases, he shall send a copy to them as soon as possible, after notice has been received.....".

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Rule 20 is the only rule that deals with the submission of motions and with the notices for motions. There is no other rule in the whole body of the rules empowering the President or the Secretary of this body to disallow any motion. This action of the Secretary, or as stated, of the President, has deprived the members of the Travancore Tamil Nad.....

HONOURABLE MR. A. THANU PILLAI (*Trivandrum II—General*): I rise to a point of order. Now it has been made clear by the Chair that it was the decision of the Chair not to allow this motion.

MR. K. A. GANGADHARA MENON (*Nedumangad I—General*): May I know whether the President's decision can be made a subject for discussion in the House by a member ?

MR. PRESIDENT: Rule 30 of the Rules of Procedure makes the point clear.

> "In all matters relating to procedure or the conduct of business of the Representative Body the decision of the Chairman shall be final-" Again, there is Rule 13 (3) by which the conduct of the business of the Representative Body and the procedure thereof shall be regulated by the Rules and Standing Orders and the resolutions of the Representative Body and by the *rulings* given from time to time by the Chairman.

I decided that this resolution is not admissible under the Rules and also that the subject matter of the resolution is outside the scope of business of the Representative Body. Under Rule 57, if any question arises as to the interpretation of these Rules, the question shall be referred for the decision of the President and the decision of the President shall be final. So the decision with regard to the non-admissibility of the resolution is final.

MR. A. NESAMONY: If that is so, I may be permitted to make a statement before we withdraw from this Assembly. I beg permission of the President and crave the indulgence of the House to make a statement.

MR. T. K. NARAYANA PILLAI (*Parur II—General*): Sir, may I know under what provision the member is competent to make a statement especially when the question has been ruled out by the President? I wish to draw the attention of the House and ask whether the member can make any statement on the decision of the President?

MR. PRESIDENT: The whole business of the Representative Body shall be brought before it or its committee by means of—

(*a*) a motion; (*b*) a report of a committee; (*c*) an amendment to a motion or an amendment to an amendment. These are the provisions whereby the business of the Representative Body can be transacted. I do not think that the member can make a statement regarding the ruling of the Chairman.

MR. A. NESAMONY: With your permission, Sir, we withdraw.

The Tamil Nad Congress Party withdrew from the Hall.

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